IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 883 of 1998(A)

CRA.252/1995 of SESSIONS COURT, KOZHIKOE
CC.507/1991 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA
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REVN. PETITIONER/APPELLANT/ACCUSED

P.K.KANARAN, S/O.BAPPU,
KUNNUMMAKKARA.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.883 of 1998

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioner was tried for offences under Sections 279, 337 and 338 of the Indian Penal Code and sentenced to undergo simple imprisonment for three months each under Sections 279 and 337 IPC and six months under Section 338 IPC and the above sentences were ordered to run concurrently. His driving licence was also suspended for a period of three months vide order dated 30th September, 1995 passed by the Judicial Magistrate of the I Class, Vadakara. The appeal preferred against the order aforesaid was dismissed by the learned Sessions Judge, Kozhikode. It is against these two orders that the present revision has been filed.

2. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1991 and in the manner aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 15 years at at this distance of time he may not be sent to serve a jail term.

3. In totality of the facts and circumstances of the case this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is asked to pay a fine of Rs.Five thousand instead of undergoing the jail term. Ordered accordingly. The fine amount, if realised, would be made over to Abdul Afsal (P.W.1) who suffered a fracture on his teeth. If the fine amount as mentioned above is not paid the petitioner would undergo the jail sentence as imposed by the courts below.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns